

Calendar No. 622

109TH CONGRESS } 2d Session }	SENATE	{ REPORT 109-342
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PROVIDING FOR CERTAIN LANDS TO BE HELD IN TRUST FOR THE UTU UTU GWAITU PAIUTE TRIBE

SEPTEMBER 20, 2006.—Ordered to be printed

Mr. MCCAIN, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany H.R. 854]

The Committee on Indian Affairs, to which was referred the bill (H.R. 854) to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

H.R. 854 would declare 240 acres of Bureau of Land Management (BLM) lands to be held in trust by the United States for the benefit of the Utu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation, Bishop, California.

BACKGROUND

The Utu Utu Gwaitu Paiute Tribe (the “Utu Utu Tribe”), like many other Indian tribal governments in California, was never provided with an adequate land base. The California Indian Land Transfer Act, enacted on December 27, 2000 as part of Public Law 106-568, provided additional lands for eight California tribes, however, the Utu Utu Tribe was not included in that legislation. This legislation would transfer 240 acres of BLM lands into trust for the Utu Utu Tribe, which acreage is adjacent to the existing 160-acre reservation of the Utu Utu Tribe.

The acreage to be taken into trust has been classified by the BLM as “suitable for disposal.” The Utu Utu Tribal Council Resolution states that lands taken into trust will be used to build additional tribal housing units, a health station, wellness center, fire

station, police station and an industrial park for manufacturing businesses. The legislation also contains an expressed prohibition on using the property for gaming purposes.

LEGISLATIVE HISTORY

H.R. 854 was introduced on February 16, 2005, by Congressman McKeon and was referred to the House Resources Committee. On July 13, 2006, the Resources Committee reported the bill with an amendment in the nature of a substitute. Subsequently, on July 24, 2006, the House of Representatives agreed to a motion to suspend the rules and pass the bill, as amended, by voice vote. Upon receipt in the Senate, H.R. 854 was referred to the Committee on Indian Affairs. On September 14, 2006, H.R. 854 was unanimously passed out of Committee and ordered reported without amendment.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On September 14, 2006, the Committee, in an open business session, considered H.R. 854. By voice vote, the Committee ordered the bill reported favorably to the full Senate with the recommendation that the bill do pass.

SECTION BY SECTION ANALYSIS OF H.R. 854

Section 1. Lands to be held in trust

Section 1(a) declares that existing valid rights of way shall not be affected by taking this land into trust for the Utu Utu Gwaitu Paiute Tribe.

Section 1(b) describes the range and township of the 240 acres to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

Section 1(c) prohibits Class II gaming and Class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) from being conducted on the 240 acres of land.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office cost estimate for H.R. 854 is set forth below:

H.R. 854—An act to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe

CBO estimates that enacting H.R. 854 would have no significant impact on the federal budget. H.R. 854 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. This legislation would impose no significant costs on state, local, or tribal governments and would benefit the Utu Utu Gwaitu Paiute Tribe.

H.R. 854 would direct the Secretary of the Interior to give approximately 240 acres of federal land in California to the Benton Paiute Reservation to be held in trust by the United States on behalf of the Utu Utu Gwaitu Paiute Tribe. According to the Department of the Interior, the land to be conveyed currently generates no receipts from mineral leasing or other activities and is not expected to do so during the next 10 years. Hence, CBO estimates that conveying the land would not significantly affect offsetting receipts (a credit against direct spending).

On July 12, 2006, CBO transmitted a cost estimate for H.R. 854 as ordered reported by the House Committee on Resources on June 21, 2006. The two versions of the legislation are identical, as are the cost CBO estimates.

The CBO staff contacts for this estimate are Daniel Hoople and Gregory Waring. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee has concluded that the regulatory and paperwork impacts of H.R. 854 will be de minimis.

EXECUTIVE COMMUNICATIONS

The Committee has received no official executive communications on H.R. 854.

CHANGES IN EXISTING LAW

H.R. 854 will not make any changes to existing law.

